

AW&-15a, 8/13. Prescribed by Secretary of State, Section 63.001(g)

NOTICE TO PROVISIONAL VOTER

A determination whether your ballot will be counted will be made by the early voting ballot board after the election. A notice will be mailed to you within 30 days of the election at the address you provided on your affidavit to vote a provisional ballot indicating either (1) that your ballot was counted or (2) if it was not counted, the reason your ballot was not counted.

POLLING PLACE ID RECEIPT

FOR PROVISIONAL VOTERS NEEDING TO CURE

ELECTIONS ADMINISTRATOR: Attach map and/or directions to the county voter registrar's office to this Receipt and fill in deadline below.

NOTICE TO VOTER

You must appear before Voter Registrar by:

For Office Use Only

Completed By Polling Place Official

Voter's Last Name: _____

Voter's First Name: _____

VUID #: _____

Precinct No.: _____

In order to have your provisional ballot accepted, you will be required to visit your local county voter registrar's office (*information attached*) within six days of the date of election to either present one of the below forms of photo ID **OR** submit one of the temporary affidavits addressed below (e.g., religious objection or natural disaster without an ID) in the presence of the county voter registrar. The process can be expedited by taking this notice with you to the county voter registrar at the time you present your identification (or execute your temporary affidavit); however, taking this notice is not a requirement.

A voter is required to show **ONE** of the following forms of photo identification at the polling location before the voter may be accepted for voting in Texas' Elections:

- **Texas Driver's License issued by the Texas Department of Public Safety (DPS)**
- **Texas Election Identification Certificate issued by DPS**
 - If you do not have a valid form of photo identification, you may apply for a free Election Identification Certificate at your local Texas Department of Public Safety office.
- **Texas personal identification card issued by DPS**
- **Texas concealed handgun license issued by DPS**
- **United States military identification card containing your photograph**
- **United States citizenship certificate containing your photograph**
- **United States passport**

With the exception of the U.S. citizenship, the identification must be current or have expired no more than 60 days before being presented the voter qualification at the polling place.

PERMANENT EXEMPTION

During the cure period, voters with a disability may apply with the county voter registrar for a permanent exemption in the county. The application must contain written documentation from either the U.S. Social Security Administration evidencing applicant's disability or from the U.S. Department of Veterans Affairs evidencing disability rating of at least 50 percent. The applicant must also state that he/she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote upon display of voter registration certificate reflecting the exemption.

TEMPORARY EXEMPTION

During the cure period, a voter may apply for a temporary exemption at the county voter registrar's office for voters who have a consistent religious objection to being photographed **OR** who do not have any photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor.

I hereby state that I have presented a form of identification (or executed an affidavit) to the county voter registrar's office.

Sign Here ➤

To Be Signed in Front of Voter Registrar

Date

For Office Use Only **Completed By Voter Registrar**

Type of Exemption: _____

ID Presented: _____ Yes _____

Voter Reg. Dept. Initials: _____

No Type of ID: _____

Date: _____

Exemption Requested: _____ Yes _____ No

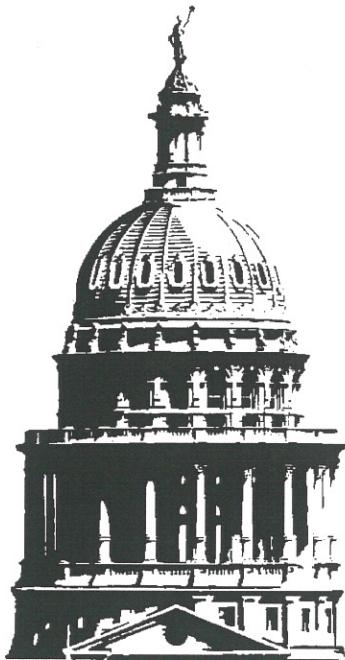
*VR will attach receipt to Provisional Ballot Affidavit

Qualifying Voters on Election Day

Handbook for Election Judges and Clerks

2014

FOR USE IN GENERAL, PRIMARY, AND
OTHER ELECTIONS BY
ALL POLITICAL SUBDIVISIONS



Issued by
The Office of the Texas Secretary of State, Elections Division
1-800-252-2216 or (512) 463-5650

www.sos.state.tx.us
www.VoteTexas.gov

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INTRODUCTION

The Elections Division of the Secretary of State's Office has prepared this handbook for use on election day by election judges and clerks serving in precinct polling places. This handbook contains a thorough outline of polling place procedures for all elections. It incorporates changes in election laws through the regular session of the 83rd Texas Legislature (2013), as well as highlights the changes made by Senate Bill 14, 82nd Texas Legislature (2011), which was implemented following the United States Supreme Court decision in *Shelby County, Alabama v. Holder*, No. 12-96, 2013 WL 3184629 (U.S.) (U.S. Jun. 25, 2013).

The handbook starts at the beginning of election day and covers voter qualification and assistance, as well as the basics for closing the polling place. Throughout the handbook, references are made to the appropriate section in the Texas Election Code or the Texas Administrative Code, unless otherwise indicated. Information in *italics* relates to primary elections.

The Elections Division of the Secretary of State's Office is open during the hours that the polls are open for voting on all uniform election dates. Answers to questions on election law and procedures may be obtained by telephoning the Elections Division toll-free at 1-800-252-2216 or (512) 463-5650.

Please visit us at our Internet home page for additional election information at <http://www.sos.state.tx.us>.

The Office of the Secretary of State does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.

CHAPTER 1
THINGS TO DO BEFORE THE POLLS OPEN

SECTION A. PREPARE THE POLLING PLACE

The election judges and clerks will need to complete the following tasks prior to opening the polls:

1. Oaths: The presiding judge administers the Oath of Election Officer and the Oath of Assistance to himself or herself and to the clerks. [Secs. 62.003, 64.034]

“I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election.”

“I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter ’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter ’s ballot as the voter directs; and I am not the voter’s employer, an agent of the voter ’s employer, or an officer or agent of a labor union to which the voter belongs.”

2. Identification: The presiding judge and clerks must wear a form of identification, prescribed by the Secretary of State, while on duty which indicates the person’s name and title or position as an election officer. The presiding judge should issue such identification following administration of the oath. If there are no name tags in your election kit, you may make your own. (State and federal election inspectors, peace officers assigned to the polling place, and poll watchers accepted for service at the polling place are also required to wear name tags.) [Secs. 33.051(f), 61.010(b), 62.003(c)]

3. Hours and Work Assignments: The judge reviews work schedules and assignments with the clerks. [Sec. 32.072] The presiding judge may allow some clerks to end their service at the polling place before the polls close (i.e., work in shifts), but may not allow clerks to leave the polling place after the counting of ballots has begun, except for temporary absences. [Sec. 32.073] Additionally, the presiding judge may allow some clerks to begin their service at the polling place later than 7:00 a.m. on election day. [Sec. 32.072(b)] The presiding judge may permit temporary absences for meals or other necessary activities. [Sec. 32.073(a)] The judge must treat clerks uniformly in designating their working hours and duties and in regulating temporary absences. [Secs. 32.072(c), 32.073(c)]

4. Prepare List of Registered Voters: The list of registered voters, if not already annotated, must be marked by the election judge before voting begins on election day to indicate voters whose names appear on the precinct early voting list. [Sec. 62.014(b)]

If a registration correction list is provided, an election officer must change the list of registered voters to make it conform to the registration correction list. [Sec. 62.014(a)]

NOTE: *In a primary election, a second list of registered voters is provided at the polling place and must also be marked to indicate who voted, including those whose names appear on the precinct early voting list. This second list is given to the precinct chair after the polls close and is used to qualify precinct convention participants. [Sec. 172.1141]*

House Bill 3102 (2013) amended Section 174.022 of the Texas Election Code to provide that precinct conventions may be held at a time and place determined by rules adopted by the state executive committee of a political party. At the time this handbook is being published, it is unknown what the date, time, and place of precinct conventions for either political party will be. House Bill 3102 did not amend Section 172.1114 of the Texas Election Code and, practically speaking, the second list may not be used to qualify precinct convention participants if the precinct convention has already occurred. You will be given instructions at a later time concerning the second list and procedures to be followed if a voter participated in a political party's convention prior to the primary election, but wishes to vote in the other political party's primary election.

NOTE: If you are using an **e-pollbook**, it is unlikely that you will need to update the list with voters who voted early or a registration correction list. Follow the instructions provided to you by the authority conducting the election regarding the use of the e-pollbook.

5. **Setup Polling Place:** The election workers need to physically arrange the polling place.

1) Arrange Tables, Chairs and Voting Area

- Place table(s) and chairs near the entrance to the polling place for the clerks who will be accepting the voters.
- Establish a voting area.
 - Voting booths that provide voters privacy while voting must be provided at all polling places. Voting booths must meet the regulatory specifications for voting booths, or have been approved for use by the Secretary of State. [Sec. 51.032; 1 T.A.C. § 81.70]
 - Arrange the voting booths in such a way that they are in view of the election officers, watchers, and persons waiting to vote but are separated from voters who are waiting to vote. They must be arranged to prevent access to the voting area through any entrance other than the one designated. [Sec. 62.004]
 - Make sure voting area is adequately lighted. [Sec. 62.004(3)]
 - If used, place indelible markers (makes marks that cannot easily be removed or erased) in each voting booth where voters will be preparing their ballots. [Sec. 62.015]
 - Establish an area convenient to the voting booths, in view of election officers, for placement of the locked ballot box (Ballot Box No. 1) in which voters will deposit their voted ballots, if using paper or optical scan ballots. [Sec. 62.006]

- Establish an area for counting ballots (if applicable).
 - This area should be in a separate room from the voting area, or removed from the voting area as much as possible, so that individuals counting ballots cannot be heard nor the voted ballots seen by voters.

2) Prepare the Table(s) for Accepting and Qualifying Voters

- Place the following election forms and supplies on each table:
 - Lists of registered voters, including supplemental and correction lists, or a revised original list. [Secs. 18.001, 18.002, 18.003, 18.004]
 - Registration omissions list. [Sec. 63.006(b)(2)]
 - Combination form (combination of two or more forms below denoted by an “*”). [Sec. 63.004]
 - Poll list.* [Sec. 63.003]
 - Signature roster.* [Sec. 63.002]
 - Affidavits.
 - Voter with Required Documentation Who is Not on List. [Sec. 63.006]*
 - Affidavit of Voter Without Required Identification (part of Provisional Ballot Affidavit Envelope). [Sec. 63.011(b)]
 - Voter’s Similar Name Affidavit. [Sec. 63.001(c)]*
 - Provisional Ballot Affidavit Envelope. [Sec. 63.011]
 - List of Provisional Voters. [1 T.A.C. §§ 81.172—81.176]
 - Polling Place ID Receipt (the Polling Place ID Receipt may have been combined with the Notice to Provisional Voter into a single form). [1 T.A.C. §§ 81.172—81.176]
 - Notice to Provisional Voter (may have been combined with the Polling Place ID Receipt). [1 T.A.C. §§ 81.172—81.176]
 - Secrecy Envelopes for Provisional Ballots. [1 T.A.C. §§ 81.172—81.176]
 - Statement of Residence. [Secs. 11.004, 63.0011] Voter signs this statement if the voter has moved within the county to another election precinct in the same county. The voter may vote a full county ballot in the election precinct of former residence, regardless of how long ago the voter moved, if the voter still resides in each political subdivision for which the voter offers to vote. See Chapter 2, Situation 3 “Voter Has Moved” for further information.
 - The “voted” stamp and ink pad used for stamping the list of registered voters. While it is not necessary that the election officers use a “voted” stamp and ink pad, they must make a notation on the list of registered voters that a person has voted. [Sec. 63.001]

NOTE: *In a primary election, the presiding judge is given two lists of registered voters. The second list is given to the precinct chair after the polls are closed and is used to qualify participants in the precinct convention. The election judge of a primary election must make a notation next to the voter's name on the second list of registered voters, as well as the list that is returned to the voter registrar. [Sec. 172.1141] It should be noted that Section 174.022 of the Texas Election Code was amended by House Bill 3102 (2013) to provide that precinct conventions*

may not be held on primary election night, but on some other date as determined by rules of the state party. In such event, the presiding judge will be instructed of alternate delivery arrangements for the second list of registered voters.

- *The party affiliation stamp for stamping voter registration certificates in a primary election. [Sec. 162.004(b)]*
- *Certificates of party affiliation in a primary election for those voters who do not have a voter registration certificate. [Sec. 162.004(c)]*

NOTE: *Because voters are no longer required to have their certificates, only their valid form of photo identification, you may be issuing a large number of party affiliation certificates.*

- Official ballots. An election officer must arrange a supply of numbered ballots, all face down, and out of numerical order. [Sec. 62.009(a), (b)]
- Provisional ballots. An election officer must set aside a sufficient number of provisional ballots and stamp or write on the back of each ballot “provisional” next to the presiding judge’s signature. [1 T.A.C. §§ 81.172—81.176]
- Provisional stamp. [1 T.A.C. §§ 81.172—81.176]
- Register of spoiled ballots. [Sec. 64.007(c)]
- Request to cancel application to vote by mail. [Sec. 84.032]
- *Envelope No. 5. In a primary election, it is addressed to the County Chair.*

NOTE: More than one qualifying table may be set up by dividing the list of registered voters into sections of the alphabet, for example, A-G and H-Z.

3) Post Distance Markers, Sample Ballots, Instructions and Notices

- Post distance markers 100 feet in each direction from all entrances through which voters may enter the building in which the polling place is located. [Sects. 61.003(a), 62.010(a)] Distance marker must include in large letters, “DISTANCE MARKER. NO ELECTIONEERING OR LOITERING BETWEEN THIS POINT AND THE ENTRANCE TO THE POLLING PLACE.”

NOTE: Election officers (or appointed peace officers) may not enforce the electioneering or loitering statutes OUTSIDE the 100 ft. distance marker. [Sec. 32.075]

- Post the voter information poster and other instruction posters (if any) in each voting station and in one or more locations in the polling place where they can be read by persons waiting to vote. [Sects. 62.011, 62.0112, 62.0115]
- Post the list of declared write-in candidates for (*the primary election for the office of precinct chair and county chair*), the November general election, city council officer elections, independent and common school district trustee elections, special elections for state representative and state senator, and other elections required by law. The list of declared write-in candidates must be posted next to the voter information poster in each voting station and in the polling place where it can be read by persons waiting to

vote. [Secs. 62.011, 62.0115, 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]

NOTE: *In a primary election, write-in voting is not permitted except for the party offices of county chair and precinct chair. A write-in vote may not be counted unless the name appears on the list of write-in candidates. If no candidate filed for the office of precinct chair or county chair, then that office is not printed on the ballot. [Secs. 171.0231, 172.112]*

If only one candidate files for precinct chair (for the ballot or as a write-in) the election for that office is not held, and the county chair shall prepare a sign notifying voters that the candidate will be declared elected to the office at the time of the local canvass. An election officer shall post the sign in one or more locations in the polling place. [Sec. 171.0221]

- A voter complaint poster, which contains contact information for state and local election officers, must be posted in the polling place. [Secs. 62.011, 62.0112, 62.0115]
- *Post the party sign over the entrance to the polling place in a primary election.*

NOTE: If a polling place is used to hold an election for more than one political party, then the sign used to indicate the location of a polling place for a primary election or runoff primary election must either not contain the name of, or symbol representing, any political party that is holding an election at the polling place, OR must contain each name of, or each symbol representing, a political party that is holding an election at the polling place. [Sec. 172.127]

- Post the required sample ballots in easily observed locations within the polling place. [Sec. 62.012]
- Place Notice of Prohibition of Certain Devices in locations throughout polling place where it can be read by persons waiting to vote. The use of wireless communications devices (e.g. cell phones) and recording devices (e.g. cameras) is prohibited in a polling place. [Sec. 62.0111]

NOTE: There is an exception to the prohibition against wireless devices in the polling place for an election officer conducting the officer's official duties, for the use of election equipment necessary to conduct the election, or for a person employed at the location in which a polling place is located while the person is acting in the course of the person's employment. [Sec. 61.014]

- No election material may be posted at a polling place, including the area within a 100 feet radius of an outside door through which a voter may enter the building where the polling place is located, unless it is required or allowed by law. [Sec. 62.013]
- No person other than an election judge or clerk may post materials in a polling place or within 100 feet radius of the entrance to the polling place. [Sec. 62.013]

- A notice of the number of voters who have voted must be posted at an outside door to the polling place every two hours, beginning at 9:30 a.m. and running through 5:30 p.m., on a form prescribed by the Secretary of State, unless that form is unavailable. [Sec. 61.007]
- *For the general primary election, a notice of the time and place of the precinct convention must be posted at each door through which a voter may enter the polling place. [Sec. 172.1111]*

NOTE: *House Bill 3102 (2013) amended Section 174.022 of the Texas Election Code to provide that precinct conventions may be held at a time and place determined by rules adopted by the state executive committee of a political party. At the time this handbook is being published, it is unknown what the date, time, and place of precinct conventions for either political party will be. House Bill 3102 did not amend Section 172.1111 of the Texas Election Code, but, practically speaking, there may be no notice to be posted.*

- Post Notice of Acceptable Identification on the outside door of the polling place. The notice must be in the form prescribed by the Secretary of State.

4) Open and Inspect All Ballot Boxes

If regular paper ballots are used in the election, open and inspect all ballot boxes to ensure that they are empty. If optical scan ballots are being used, the ballot boxes used for delivering the ballots to a central counting station or the precinct ballot counters that count the ballots at the precinct will be pre-locked and pre-sealed before delivery to the polling place. [Secs. 62.005, 127.061, 127.065]

- Make sure that each ballot box is empty.
- Make sure that each ballot box has a working lock and a key that opens the lock, unless pre-locked, pre-sealed boxes or precinct ballot counters are used. [Secs. 51.034(a), 127.065]

5) Prepare Official Ballots (Paper and Optical Scan)

If paper or optical scan ballots are used in the election:

- Record the total number of ballots received on the "Register of Official Ballots" form. [Sec. 65.013]
- Inspect the official ballots to see that they are properly printed and numbered. [Sec. 65.013]
 - Remove any ballot that is not numbered or that is otherwise defectively-printed. [Sec. 62.007]
 - Count the defective and/or unnumbered ballots and enter this number on the Register of Official Ballots form. [Sec. 65.013(b)(2)]
 - Place defective and/or unnumbered ballots in Ballot Box No. 4 (or other designated container). [Sec. 62.007(b)]
 - Place Ballot Box No. 4 (or other designated container) in a protected place near the clerks at the qualifying table so that any mutilated ballot returned by a voter for a new ballot can be easily deposited in this ballot box.

NOTE: Ballot Box No. 4 (or other designated container) is used for delivering defectively-printed, spoiled, or unused ballots. [Sec. 66.026]

- Place the presiding judge's full name on the back of each ballot. [Sec. 62.008]
 - If a stamp of the judge's signature is provided, a clerk may stamp the back of each ballot with this signature stamp. An election clerk may not forge the signature of the judge. [Sec. 62.008(b)]
 - Ballots may be signed or stamped as needed throughout the day. Unsigned paper or optical scan ballots may not be made available for selection by voters. [Sec. 62.008(c)]
- Mix the signed or stamped ballots so that they are not in numerical order. [Sec. 62.009(a)]
- Place the mixed ballots face down on the acceptance table(s). [Sec. 62.009(b)]
- Set aside a sufficient number of official ballots and stamp or write on each ballot "Provisional" next to the judge's signature. Also, set aside a sufficient number of "Notice to Provisional Voter" and "Polling Place ID Receipt" forms. Alongside these provisional ballots, keep a sufficient number of Provisional Ballot Affidavit Envelopes.

SPECIAL EMERGENCY BALLOT NOTE: If, before the last voter has voted, the supply of official ballots is exhausted, destroyed, or lost, or if the presiding judge determines that the official ballots are erroneously-printed so that they may not be used in the election, the presiding judge should immediately contact the authority responsible for distributing the supplies for the election and obtain additional official ballots for use at the polling place. If official ballots are unavailable, the presiding judge must create emergency ballots himself or herself. The makeshift ballots must contain all of the offices and/or propositions to be voted on, must be numbered consecutively with unique numbers, and must be designed in the same format as the official ballot. [Sec. 52.001(b)] The judge may make copies of sample ballots after blocking out the words "Sample Ballot," number the copies, and provide these copies for voters to mark ballots. It is recommended that the judge indicate, in a memorandum attached to the Register of Official Ballots, if he or she has provided or been provided with ballots other than those initially supplied to the polling place, set forth the circumstances necessitating their use, and record the numbers of the ballots.

6) Place Ballot Boxes

Place the remaining ballot boxes, if paper or precinct optical scan ballots are used in the election.

- Lock Ballot Box No. 1 and place it in the area established for depositing voted ballots. [Sec. 62.006]
- Place Ballot Box No. 2 in a protected place which is in public view and convenient for the interchange with Ballot Box No. 1. [Sec. 65.003]
 - Ballot Boxes Nos. 1 and 2 are used on a rotating basis for the deposit of ballots by the voters.

- Each time the ballot boxes are changed, make sure the ballot box replacing the ballot box containing the voted ballots is empty and locked before it is put into place for use by voters.

7) Place DRE Voting Machines and/or Precinct Ballot Counters

For elections using direct recording electronic voting machines (“DREs”) or precinct ballot counters, follow the instructions from the authority conducting the election concerning the placement of DREs and any associated procedures. But at a minimum, you must follow these procedures:

- The presiding judge shall verify and document the serial numbers of the equipment delivered to the polling site.
- Look for evidence of tampering.
- Verify that the Public Count is “0” on each applicable device.
- Check the accuracy of the date and time on applicable equipment.
- Confirm that all units are open for voting.
- At a minimum, print one zero tape from each applicable device (DREs and precinct ballot counters).
- The presiding judge, an election clerk, and not more than two poll watchers, if one or more watchers are present, shall sign the zero tape.
- The zero tapes must be placed in a secure location to be returned with the election materials.

8) Secure Polling Place

The presiding judge must secure the polling place if it is left unattended at any time after the preparation for voting begins. [Sec. 62.001(b)]

SECTION B. POLL WATCHERS

1. Appointee of Poll Watchers: A candidate on the ballot, a campaign treasurer of a specific-purpose political action committee in an election on a measure, or a political party in the November general election may appoint up to two watchers per polling place. A write-in candidate whose name appears on the list of declared write-in candidates may also appoint poll watchers, and a group of registered voters may appoint a watcher for an undeclared write-in candidate for elections where declaration is not required. [Secs. 33.002 - 33.005]
2. Acceptance and Qualification: A watcher who presents himself or herself at any time on election day with a certificate of appointment must be accepted for service unless the person is ineligible to serve or the number of appointees to which the appointing authority is entitled has already been accepted. [Secs. 33.051, 33.052] To be eligible to serve as a poll watcher, a person must:
 - 1) be a registered voter of the territory (e.g., city, school district) covered by the election and of the county for November general elections, *primary elections*, or other countywide elections; [Sec. 33.031]